

03
rkd 17.03.2026
Ct.05

W.P.A. 4381 of 2026

Sankar Barik

-vs-

The State of West Bengal & Ors.

Mr. Purnasis Bhuniya

....for the petitioner.

Mr. Vimal Kumar Shahi,
Ms. Sangeeta Roy

....for the State.

Md. Rabindrantah Mahato,
Mr. Aritra Shankar Ray

....for the respondent no.7.

1. Matter is heard in presence of the learned advocates representing the petitioner, State respondents and respondent no.7.
2. Petitioner prays for issuance of mandamus directing the concerned police authorities to extend assistance which would permit the petitioner to make construction on the land in question.
3. However, on perusal of the communication dated 1st March, 2026 of Inspector-in-Charge, Dantan PS, it appears that a Title Suit being TS No. 153 of 2025 filed by the respondent no.7 is pending before the Learned Civil Judge (Junior Division), Dantan.
4. Petitioner preferred miscellaneous appeal being Misc. Case No. 166 of 2025 against the order passed by the first court and the Learned District Judge stayed the impugned order while entertaining miscellaneous appeal.

5. It is also disclosed in the communication dated 1st March, 2026 that the said miscellaneous appeal is still pending before the Learned Additional District Judge, 6th Court for further consideration.
6. In view of pendency of *lis* before civil Court in connection with aforesaid Title Suit today if prayer of the petitioner is acceded to thereby directing the concerned police authorities to extend protection for construction to be made by the petitioner in that event Title Suit may become infructuous.
7. In consideration of the submissions made on behalf of the parties and on perusal of the communication dated 1st March, 2026, it appears that the issue involved in this writ petition is civil in nature.
8. Therefore, Court is not inclined to pass order in this writ petition and same stands dismissed.
9. However, concerned police authorities are directed to maintain peace and tranquility at the locale in question.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)